

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed August 12, 2005. Reconsideration and allowance of the application and pending claims are respectfully requested.

I. Claim Rejections - 35 U.S.C. § 103(a)

A. Rejection of Claims 1-3, 5-12, 17, 18, and 20

Claims 1-3, 5-12, 17, 18, and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ghannam, et al. ("Ghannam," U.S. Pat. No. 6,651,062) in view of Barrett, et al. ("Barrett," U.S. Pat. No. 5,568,612). Applicant respectfully traverses this rejection.

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. *See In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or

references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure.

In the present case, the applied references do not teach or suggest all the claim limitations. Furthermore, there is no suggestion or motivation in the art to modify the references to arrive at Applicant's claims. Applicant discusses the references and Applicant's claims in the following.

1. The Ghannam Disclosure

Ghannam discloses a method and apparatus for managing data for use by data applications. As is described by Ghannam, the disclosed system includes a data management system 210 that receives information from one or more data sources, processes the information according to policies, and stores the information in a data warehouse. Ghannam, column 4, lines 37-40. The data warehouse can then be "accessed by applications that perform analysis with the data." Ghannam, column 4, lines 40-42. Accordingly, the Ghannam system merely collects and stores data which users can access, at their own initiative, using an appropriate "application." Example applications include SQL, ODBC, and COBRA. Ghannam, column 7, lines 42-44.

Ghannam further discloses a graphical user interface for configuring a "network link report." Ghannam, column 27, lines 15-28. Notably, however, that interface is *not* used to configure or schedule notifications or reports that are automatically sent to subscribers. Instead, the report is manually accessed by users.

As is further described by Ghannam, the “data sources” that provide data to the data warehouse comprise “management servers, network entities or any other source of management data.” Ghannam, column 6, lines 29-30.

2. The Barrett Disclosure

Barrett discloses a method and apparatus for advertising. As is described by Barrett, the method and apparatus are used to advertise two network servers from a single network node in a LAN communication system which supports advertising only a single network server from any one node. See Abstract. Accordingly, it can be appreciated that Barrett’s disclosure has little to do with a method or system for notifying or reporting peripheral device event data to subscribers.

3. Applicant’s Claims

Independent claims 1 and 17 provide as follows (emphasis added):

1. A method for reporting event data to requesting subscribers using a manufacturing repository for collecting event data that is connected to a subscriber profile system for storing information relating to subscribers and a production system for storing information relating to manufacturing, comprising:

gathering event data from a plurality of peripheral devices connected to the manufacturing repository, the event data *relating to events that have occurred at the peripheral devices*;

saving the event data to a database;

automatically notifying designated subscribers about logged events according to criteria indicated by subscriber profiles;

selectively generating periodic subscription reports according to criteria indicated by the subscriber profiles; and

automatically sending periodic subscription reports to designated subscribers according to criteria indicated by the subscriber profiles.

17. A computer program product comprising a computer usable medium having computer readable program codes embodied in the medium that when executed causes a computer to:

gather event data from a plurality of peripheral devices connected to a manufacturing repository, the event data *relating to events that have occurred at the peripheral devices*;

save the event data to a database;

automatically notify designated subscribers about logged events according to criteria indicated by subscriber profiles;

selectively generate periodic subscription reports according to criteria indicated by the subscriber profiles; and

automatically send the periodic subscription report to designated subscribers according to criteria indicated by the subscriber profiles.

Applicant notes that neither Ghannam nor Barrett teach or suggest such a method or product. Applicant discusses the rejections of Applicant's claims in the following.

(a) Gathering Event Data from a Plurality of *Peripheral* Devices

In the Office Action, it is stated that Ghannam teaches "gathering event data from a plurality of devices connected to the manufacturing repository". Applicant notes, however, that Applicant's independent claims 1 and 17 do not merely recite gathering event data from "devices", but instead require gathering event data from "peripheral

devices”. Specifically, claim 1 requires “gathering event data from a plurality of peripheral devices”, and claim 17 requires “codes . . . that when executed causes a computer to: gather event data from a plurality of peripheral devices”.

As is identified above, Ghannam only discusses gathering data from “data sources” such as “management servers”. Applicant notes that such “sources” simply do not equate to, or render obvious, peripheral devices. As is well known to persons having ordinary skill in the art, the term “peripheral device” is used to identify devices that are used *in conjunction with* computers, such as in conjunction with server computers. As defined by webopedia.com, a continually-updated online dictionary for computer and Internet technology, the term “peripheral device” denotes:

A computer device, such as a CD-ROM drive or printer, that is not part of the essential computer, i.e., the memory and microprocessor. Peripheral devices can be external -- such as a mouse, keyboard, printer, monitor, external Zip drive or scanner -- or internal, such as a CD-ROM drive, CD-R drive or internal modem.

[www.webopedia.com, definition for “peripheral device”]

Without a teaching specific to *peripheral* devices, Ghannam fails to teach or suggest the above-described limitations.

As a further matter, Applicant notes that, Ghannam does not teach gathering event data “relating to events that have occurred at the peripheral devices”. Due to this shortcoming of the Ghannam reference, the Examiner relies upon the teachings of Barrett. In particular, the Examiner argues that Barrett teaches the use of peripheral “status and control information” that is sent over a LAN and, therefore, it would have

been obvious to send event data regarding peripheral devices in the Ghannam reference. Applicant respectfully disagrees.

A mere teaching that peripheral “status and control information” can be transmitted across a network is *not* sufficient to render obvious *gathering* event data from a plurality of peripheral devices, the event data relating to events that have occurred at the peripheral devices. Again, (i) the prior art references must teach or suggest *all* the claim limitations, and (ii) there must be some suggestion or motivation in *the prior art* to modify a reference. See MPEP § 2143. In this case, neither Ghannam nor Barrett teaches gathering event data from peripheral devices. Moreover, neither Ghannam nor Barrett provides a suggestion to modify the Ghannam system to gather such event data. Applicant submits that the only motivation here to make the proposed modification comes from Applicant’s own disclosure. As is well established in the law, such hindsight to the Applicant’s own disclosure is *per se* improper. See *Crown Operations International, Ltd. v. Solutia, Inc.*, 289 F.3d 1367, 62 USPQ2d 1917 (Fed. Cir. 2002) (a determination of obviousness cannot be based on a hindsight combination of components selectively culled from the prior art to fit the parameters of the invention).

In view of the above, it is clear that neither Ghannam nor Barrett teaches or suggests “gathering event data from a plurality of peripheral devices” as is recited in claim 1, or codes that cause a computer to “gather event data from a plurality of peripheral devices” as is recited in claim 17. Each of those claims, and their dependents, are believed to be allowable over Ghannam/Barrett for at least this reason.

**(b) Automatically Notifying Subscribers about Logged
Events According to Subscriber Profile Criteria**

Ghannam and Barrett further fail to teach or suggest “automatically notifying designated subscribers about logged events according to criteria indicated by subscriber profiles” as in claim 1, or codes that cause a computer to “automatically notify designated subscribers about logged events according to criteria indicated by subscriber profiles”.

The Office Action states that Ghannam teaches “notifying designated subscribers *according to criteria indicated by subscriber profiles*” (emphasis added). For support, the Examiner cites column 27, lines 15-27 of the Ghannam disclosure, which provides:

FIG. 14 is a representation of a graphical user interface for configuring a network link report. As discussed above, information stored from various data sources may be accessed by an application 202. For example, information may be collected from multiple network domains by multiple network management systems. This information may be consolidated or combined in data warehouse 203. Interface 1401 accepts parameters from a user to present to the user utilization statistics based on links in the network. In particular, system 203 may show a graph 1402 to an administrator to show the percent utilization for links of systems based on a specified time period. Also, the graph 1402 may be based on the number of bytes, packets, or other parameter used to show capacity of a communication link.

[Ghannam, column 27, lines 15-27]

Although this excerpt from the Ghannam disclosure describes using “parameters from a user to present to the user utilization statistics,” the excerpt does not concern Ghannam’s invention, i.e., the data management system 210 that collects data from the

various data sources. Instead, the excerpt describes operation of a separate “application” 202 that a user can use to parse through the data that is collected by the data management system 210. In other words, Ghannam’s data management system 210 does not, as is suggested in the Office Action, *notify* designated subscribers according to criteria indicated by *subscriber profiles* the management system comprises or refers to.

Instead of using such subscriber profiles, Ghannam’s data management system 210 only collates the collected data according to “policies” that are established by a system administrator. As is described by Ghannam:

... data management system 210 receives information from one or more data sources, processes the information according to policies, and stores the information in a data warehouse. The data warehouse can be accessed by applications that perform analysis with the data.

[Ghannam, column 4, lines 37-42]

Accordingly, Ghannam’s system does not “notify” “subscribers” based upon their individual “subscriber profiles”. Instead, Ghannam’s system merely collects certain information as specified by the administrator, and leaves it to the various users to manually execute an appropriate “application” to access the pieces of information about which the user is interested.

Despite arguing that Ghannam teaches notifying subscribers according to their profiles, the Examiner admits in the Office Action that Ghannam does not teach “automatically notifying subscribers about logged events”. Applicant agrees. Again, the Ghannam system enables users to, upon their own initiative, access the data collected by Ghannam’s data management system using an appropriate “application.” Because of

Ghannam's shortcomings in this regard, the Examiner relies upon the teachings of Barrett.

Barrett does not teach automatically notifying designated subscribers about logged events according to criteria indicated by subscriber profiles. Specifically, although column 14, lines 12-51 of the Barrett reference, which is identified by the Examiner, describes various information being provided over a network, that portion of the Barrett reference simply does not describe any "automatic notification" as to events, or sending of such an automatic notification according to "criteria indicated by subscriber profiles". Indeed, the Barrett disclosure is silent as to subscriber profiles. Although Barrett mentions that a network administrator can use "customized software" to access monitoring information, that software is on the administrator's PC and is not described as "automatically" generating any "notifications". Even if it did, such a teaching would still not satisfy the limitation "automatically notifying designated subscribers about logged events according to criteria indicated by subscriber profiles" (emphasis added). Specifically, only one such "subscriber" (i.e., the administrator) would receive such notifications, again assuming that notifications were automatically sent to the administrator.

In view of the above, it is clear that neither Ghannam nor Barrett teaches or suggests "automatically notifying designated subscribers about logged events according to criteria indicated by subscriber profiles" as is recited in claim 1, or codes that cause a computer to "automatically notify designated subscribers about logged events according to criteria indicated by subscriber profiles" as is recited in claim 17. Each of those claims, and their dependents, are believed to be allowable over Ghannam/Barrett for at least this reason.

**(c) Automatically Sending Periodic Subscription Reports
According to Subscriber Profile Criteria**

Applicant asserts that neither Ghannam nor Barrett teach “automatically sending periodic subscription reports to designated subscribers according to criteria indicated by the subscriber profiles” as in claim 1, or codes that cause a computer to “automatically send the periodic subscription report to designated subscribers according to criteria indicated by the subscriber profiles” as in claim 17.

In the Office Action, the Examiner admits that Ghannam does not teach automatically sending subscription reports to designated subscribers according to criteria indicated by the subscriber profiles. Applicant agrees. As is mentioned above, Ghannam’s data management system simply collects data that can be accessed by users with an appropriate “application”. Hence, nothing is “automatically sent” to a subscriber. Furthermore, given that Ghannam’s data management system 210 only collates collected data according to “policies” that are established by a system administrator, it follows that Ghannam does not teach automatically sending subscription reports to designated subscribers “according to criteria indicated by the subscriber profiles”.

Because of those shortcomings of the Ghannam reference, the Examiner relies on the Barrett reference. Specifically, the Examiner cites column 17, lines 15-20 of the Barrett disclosure, which provides:

Steps S9 through S12 comprise a so-called "autologging" function which is carried out in the NEB by the CPSOCKET program in order to automatically and systematically provide status information from the printer to the LAN (autologging will be discussed in greater detail in section 4k below).

[Barrett, column 17, lines 15-20]

Clearly, this excerpt fails to teach or suggest “automatically sending periodic subscription reports to designated subscribers according to criteria indicated by the subscriber profiles”. Nothing in the excerpt suggests that the “status information” is a “subscription report” provided to “subscribers” according to “subscriber profiles”. Although column 17, lines 15-20 of the Barrett reference mentions “autologging” status information from a printer to a LAN, this action does not equate to automatically sending “subscription reports” to designated subscribers according to “criteria indicated by the subscriber profiles”. Again, Barrett does not anticipate sending information to subscribers based on any subscriber profiles. As a further matter, Applicant notes that the status information described by Barrett is automatically sent from a *printer* to the *LAN*. Barrett says nothing of automatically sending event data from a *central repository* to *subscribers*.

(d) Conclusion

In summary, it is Applicant’s position that a *prima facie* for obviousness has not been made against Applicant’s claims. Therefore, it is respectfully submitted that each of these claims is patentable over Ghannam and Barrett and that the rejection of these claims should be withdrawn.

B. Rejection of Claims 13-16 and 19

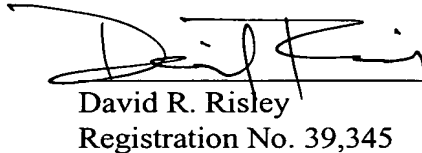
Claims 13-16 and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ghannam and Barrett in view of Bowman-Amuah (U.S. Pat. No. 6,571,282). Applicant respectfully traverses this rejection.

As is identified above in reference to independent claims 1 and 17, Ghannam and Barrett fail to account for several of Applicant's explicit claim limitations. In that Bowman-Amuah does not remedy the deficiency of the Ghannam and Barrett references, Applicant respectfully submits that claims 13-16 and 19 are allowable over the Ghannam/Barrett/Bowman-Amuah combination for at least the same reasons that claims 1 and 20 are allowable over Ghannam/Barrett.

CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,


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10-13-05
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Signature